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09/673,423	02/01/2001	Magnus Danielson	AB-1049 US	8631

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EXAMINER

MILLS, DONALD L

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/673,423

Applicant(s)

DANIELSON ET AL.

Examiner

Donald L Mills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 15 and 16 are objected to because of the following informalities:

Regarding claims 15 and 16, line 3, “over” should be corrected to “of”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9, 17, 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, the claim recites the limitation “the bit stream of interest” (See claim 9, line 4.) There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 17 and 18, the claims recite the limitation “traffic” (For example, see claim 17, line 3.) There is insufficient antecedent basis for this limitation in the claims.

Regarding claim 19, the claim recites the limitation “overlying network protocols” (See claim 19, line 3.) There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 24-26, 28, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Clanton et al. (US 5,734,867), hereinafter referred to as Clanton.

Regarding claim 24, Clanton discloses a method for instantaneous preemption of packet data, which comprises:

*Priority assignment means for associating a time slot allocated to the channel with a selected level, of at least two available levels of priority (Referring to Figure 5, the channel state of the time slot comprises a priority status for indicating a present priority level, comprising at least two levels. See column 4, lines 31-35;)*

*Slot allocating means provided to receive a request for time slots and to determine to deallocate said time slot from the channel based upon a comparison of the selected level of priority and a level of priority associated with the request (Referring to Figure 5, allowing a higher priority subscriber unit to transmit, inherently deallocating the time slot for the current user, upon the central access manager's assigning the time slot to the higher priority subscriber unit over the channel. See column 4, lines 25-30.)*

Regarding claim 25, Clanton discloses *a slot utilization table indicating the selected level of priority associated with the time slot (Referring to Figures 1 and 2, the central access manager*

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108 inherently tracts the priority of the time slots in order to determine when to permit a higher priority message or packet to be transmitted.)

Regarding claim 26, Clanton discloses *writing information designating that the time slot allocated to the channel is associated with the selected level of priority* (Referring to Figure 5, the channel state of the time slot, comprises a priority status for indicating a present priority level, is created. See column 4, lines 31-35.)

Regarding claim 28, Clanton discloses *managing time slot allocation/deallocation on behalf of several nodes of the network* (Referring to Figures 1 and 3, the central access manager 108 provides preemption for multiple subscriber units 102. See column 2, lines 6-9 and 25-30.)

Regarding claim 31, Clanton discloses *specifying different traffic service classes based upon the priority levels when operating a communication network* (Referring to Figure 3, the channel state of the time slot comprises a priority status for indicating a present priority level for a time slot, utilized for establishing high priority for instantaneous transmission of short messages and packets over the network. See column 4, lines 33-34.)

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-8, 10-14, 17-20, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clanton et al. (US 5,734,867), hereinafter referred to as Clanton, in view of Chan (US 5,790,551).

Regarding claim 1, Clanton discloses a method for instantaneous preemption of packet data, which comprises: *associating a time slot allocated to a channel with a selected level, of at least two available levels, of priority* (Referring to Figure 5, the channel state of the time slot comprises a priority status for indicating a present priority level, comprising at least two levels. See column 4, lines 31-35;) and *determining whether or not to deallocate the time slot from the channel based upon a comparison of the selected level of priority and a level of priority associated with a request for a time slot* (Referring to Figure 5, allowing a higher priority subscriber unit to transmit, inherently deallocating the time slot for the current user, upon the central access manager's assigning the time slot to the higher priority subscriber unit over the channel. See column 4, lines 25-30.) Clanton does not disclose *a request for a time slot for another channel*.

Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel that may be used for a particular time period to transmit data (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and

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high priority short packets instantaneously without going through a contention process (See column 1, lines 35-38.)

Regarding claim 2, the primary reference further teaches *deallocating the time slot from the channel if the request is associated with a higher level of priority than the selected level of priority* (Referring to Figure 5, allowing a higher priority subscriber unit to transmit, inherently deallocating the time slot for the current user, upon the central access manager's assigning the time slot to the higher priority subscriber unit over the channel. See column 4, lines 25-30.)

Regarding claim 3, the primary reference further teaches *deallocating the time slot from the channel if the request is a request for a time slot to be allocated to another channel with a higher level of priority than the selected level of priority* (Referring to Figure 5, allowing a higher priority subscriber unit to transmit, inherently deallocating the time slot for the current user, upon the central access manager's assigning the time slot to the higher priority subscriber unit over the channel. See column 4, lines 25-30.)

Regarding claim 4, the primary reference further teaches *deallocating the time slot from the channel when there are no non-allocated slots available* (Referring to Figure 1, the subscriber unit selects a time slot and contends, when the time slot is unavailable, for the channel access on the selected time slot. See column 2, lines 13-14.)

Regarding claim 5, the primary reference further teaches *deallocating the time slot from the channel when the level of priority associated with the time slot is lower than the highest level of priority* (Referring to Figure 6, when the priority of the subscriber unit is less than the priority that was read from the slow channel, the microprocessor sends a signal to disable the subscriber unit's transmitter for the duration of the current time slot. See column 4, lines 64-67.)

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Regarding claim 6 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *deallocating the time slot from the channel based upon an evaluation regarding to which channel a time slot was last allocated.*

Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel, after reviewing all time slots including those that may have been previously allocated, that may be used for a particular time period to transmit data (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process (See column 1, lines 35-38.)

Regarding claim 7 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *deallocating the time slot from the channel based upon an evaluation regarding to which channel a time slot has been allocated the longest period of time.*

Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel, after reviewing all time slots including those that may have been previously



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allocated for extended periods of time, that may be used for a particular time period to transmit data (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process (See column 1, lines 35-38.)

Regarding claim 8 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *deallocating the time slot from the channel based upon an evaluation regarding from which channel a time slot was last deallocated.*

Chan teaches sending a request for assignment of a channel for transmission of data, comprising a particular frequency/time slot, and the network responds with the identification of a particular channel, after reviewing all time slots including those that may have been previously deallocated, that may be used for a particular time period to transmit data (See column 1, lines 61-66.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method for preemption of Clanton in the system of Chan. One of ordinary skill in the art would have been motivated to do so in order to send short messages and high priority short packets instantaneously without going through a contention process (See column 1, lines 35-38.)

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Regarding claim 10 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *associating all time slots allocated to the channel with the same selected level of priority.*

Clanton teaches assigning a channel state of the time slot including a priority status for indicating the present priority level for a time slot (See column 4, lines 31-34.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the same priority level in the time slots of Clanton. One of ordinary skill in the art would have been motivated to do so in order to protect high priority data from interruption.

Regarding claim 11 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *associating the channel with the selected level of priority, resulting in the association of each time slot allocated to the channel with the same selected level of priority.*

Clanton teaches assigning a channel state of the time slot including a priority status for indicating the present priority level for a time slot (See column 4, lines 31-34.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the same priority level in the time slots of Clanton. One of ordinary skill in the art would have been motivated to do so in order to protect high priority data from interruption.

Regarding claim 12, the primary reference further teaches *associating different time slots allocated to the channel with different levels of priority* (Referring to Figure 3, the channel state

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of the time slot comprises a priority status for indicating a present priority level for a time slot.

See column 4, lines 33-34.)

Regarding claim 13 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *associating time slots allocated to the channel over a first portion of the network with a selected level of priority and associating time slots allocated to the channel over another portion of the network with another selected level of priority.*

Clanton teaches assigning a channel state of the time slot including a priority status for indicating the present priority level for a time slot (See column 4, lines 31-34.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the varying priority levels across different parts of the network in the time slots of Clanton. One of ordinary skill in the art would have been motivated to do so in order to protect high priority data transmission from interruption and allow low priority data transmission to be interrupted for high priority data transmission.

Regarding claim 14, the primary reference further teaches *changing the level of priority associated with a time slot allocated to the channel* (Referring to Figure 3, the channel state of the time slot comprises a priority status for indicating a present priority level for a time slot, inherently changed to represent the present level of priority. See column 4, lines 33-34.)

Regarding claim 17, the primary reference further teaches *selecting the level of priority based upon the identity of a physical or virtual port or interface to/from which traffic pertaining to the channel is delivered* (Referring to Figure 3, the channel state of the time slot comprises a

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priority status for indicating a present priority level for a time slot, inherently based upon the air interface. See column 4, lines 33-34.)

Regarding claim 18, the primary reference further teaches *selecting the level of priority based upon an identification of the type of application that traffic to be transported in the channel pertains to* (Referring to Figure 3, the channel state of the time slot comprises a priority status for indicating a present priority level for a time slot, utilized for establishing high priority for instantaneous transmission of short messages and short packets instantaneously. See column 4, lines 33-34.)

Regarding claim 19, the primary reference further teaches *selecting the level of priority based upon priority information derived from overlying network protocols* (Referring to Figure 3, the channel state of the time slot comprises a priority status for indicating a present priority level for a time slot, utilized for establishing high priority for instantaneous transmission of short packets. See column 4, lines 33-34.)

Regarding claim 20, the primary reference further teaches *transmitting information with the selected level of priority to one or more other nodes of the network in order for the other node or nodes to be able to switch the channel taking the level of priority into consideration* (Referring to Figure 3, subscriber unit A transmits on the corresponding uplink time slot, then the subscriber unit C with higher priority, transmits on the time slot. See column 3, lines 26-30.)

Regarding claim 29, the primary reference further teaches *specifying different traffic service classes based upon the priority levels when operating a communication network* (Referring to Figure 3, the channel state of the time slot comprises a priority status for indicating

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a present priority level for a time slot, utilized for establishing high priority for instantaneous transmission of short messages and packets over the network. See column 4, lines 33-34.)

8. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clanton et al. (US 5,734,867), hereinafter referred to as Clanton, in view of Chan (US 5,790,551) further in view of Schmidt et al. (US 6,205,154 B1), hereinafter referred to as Schmidt.

Regarding claim 9 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *deallocating the time slot from the channel based upon which channel a time slot should be deallocated in order to counteract time slot fragmentation on the bitstream of interest.*

Schmidt teaches an automatic path selection which prevents bandwidth fragmentation and optimizes bandwidth utilization by selecting the time slot which maximizes time slot assignment (See column 3, lines 65-67 and column 4, lines 1-2.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the automatic path selection method of Schmidt in the system of Clanton. One of ordinary skill in the art would have been motivated to do so in order to prevent bandwidth fragmentation for mobile traffic that traverses a wire-line.

9. Claims 15, 16, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clanton et al. (US 5,734,867), hereinafter referred to as Clanton, in view of Chan (US 5,790,551), in further view of Kusano et al. (US 5,933,422), hereinafter referred to as Kusano.

Regarding claim 15 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *determining the priority by which the channel is to be re-established in case of channel failure based upon the selected level of priority.*

Kusano teaches a communication network recoverable from link failure using prioritized recovery classes comprising a path management table 80 where virtual paths comprises a fault recovery class with three levels of priority indicating which paths are to be recovered (See column 3, lines 24-28.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the prioritized fault recovery method of Kusano in the system of Clanton. One of ordinary skill in the art would have been motivated to do so in order to guarantee necessary bandwidth for continued operation in the event of a failure during the transmission of a message or packet.

Regarding claim 16 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1 (parent claim). Clanton does not disclose *determining a degree of redundancy requested for the channel based upon the selected level over priority.*

Kusano teaches a communication network recoverable from link failure using prioritized recovery classes comprising a path management table 80 where virtual paths comprises a fault recovery class with three levels of priority indicating which paths are to be recovered (See column 3, lines 24-28.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the prioritized fault recovery method of Kusano in the system of Clanton. One of ordinary skill in the art would have been motivated to do so in order to guarantee necessary bandwidth for continued operation in the event of a failure during the transmission of a message or packet.

Regarding claim 30 as explained above in the rejection statement of claim 1, Clanton and Chan disclose all of the claim limitations of claim 1. Clanton does not disclose *providing channel prioritization based upon priority levels when interconnecting ports of a data switching or routing apparatus*.

Kusano teaches a communication network of ATM switches recoverable from link failure using prioritized recovery classes comprising a path management table 80 where virtual paths comprises a fault recovery class with three levels of priority indicating which paths are to be recovered (See column 3, lines 24-28.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the prioritized fault recovery method of Kusano in the system of Clanton. One of ordinary skill in the art would have been motivated to do so in order to guarantee necessary bandwidth for continued operation in the event of a failure during the transmission of a message or packet.

10. Claims 21-23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohm et al. (US 5,982,780), hereinafter referred to as Bohm, in view Clanton et al. (US 5,734,867), hereinafter referred to as Clanton.

Regarding claim 21, Bohm discloses a resource management method, which comprises: *requesting a time slot for a channel in need of bandwidth* (Referring to Figures 1 and 2, a user requests additional time slots for the channel needing additional capacity. See column 6, lines 50-53,) and *allocating to the channel a time slot put at the channel's disposal as a result of the request* (Referring to Figures 1 and 2, the node sends a channel establishment message to the next hop to allocate the requested time slots for the channel. See column 6, lines 51-53.) Bohm does not disclose *the request being associated with a level of priority* and *associating the allocated time slot with a selected level of priority*.

Clanton teaches assigning a channel state of the time slot, including a priority status for indicating the present priority level for a time slot, for resolving contention between competing subscriber stations (See column 4, lines 31-34.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the preemption method of Clanton in the system of Bohm. One of ordinary skill in the art would have been motivated to do so in order to permit the instantaneous transmission of high priority messages and packets.

Regarding claim 22 as explained above in the rejection statement of claim 21, Bohm and Clanton disclose all of the claim limitations of claim 21 (parent claim). Bohm does not disclose *a different level of priority for the selected level and requested level*.

Clanton teaches assigning a channel state of the time slot, including a priority status for indicating the present priority level for a time slot, for resolving contention between competing subscriber stations (See column 4, lines 31-34.)



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It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the preemption method of Clanton utilizing different levels of priority during request and assignment in the system of Bohm. One of ordinary skill in the art would have been motivated to so in order to permit the instantaneous transmission of high priority messages and packets with dynamic priority to combat excessive high priority flooding.

Regarding claim 23 as explained above in the rejection statement of claim 21, Bohm and Clanton disclose all of the claim limitations of claim 21 (parent claim). Bohm does not disclose *the same level of priority for the selected and requested level*.

Clanton teaches assigning a channel state of the time slot, including a priority status that remains constant for indicating the present priority level for a time slot, for resolving contention of a time slot between competing subscriber stations (See column 4, lines 31-34.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the preemption method of Clanton in the system of Bohm. One of ordinary skill in the art would have been motivated to so in order to permit the instantaneous transmission of high priority messages and packets.

Regarding claim 27, Bohm discloses a resource management method, which comprises a *slot allocating means provided to request a time slot for a channel in need of bandwidth and to allocate to the channel the time slot* (Referring to Figures 1 and 2, a user requests additional time slots for the channel needing additional capacity. The node sends a channel establishment message to the next hop to allocate the requested time slots for the channel. See column 6, lines 51-53.) Bohm does not disclose *the request referring to a selected level of priority*.

Clanton teaches assigning a channel state of the time slot, including a priority status for indicating the present priority level for a time slot, for resolving contention between competing subscriber stations (See column 4, lines 31-34.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the preemption method of Clanton in the system of Bohm. One of ordinary skill in the art would have been motivated to do so in order to permit the instantaneous transmission of high priority messages and packets.

11. Claims 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clanton et al. (US 5,734,867), hereinafter referred to as Clanton, in view of Kusano et al. (US 5,933,422), hereinafter referred to as Kusano.

Regarding claim 32 as explained above in the rejection statement of claim 24, Clanton discloses all of the claim limitations of claim 24 (parent claim). Clanton does not disclose *providing channel prioritization based upon priority levels when interconnecting ports of a data switching or routing apparatus.*

Kusano teaches a communication network of ATM switches recoverable from link failure using prioritized recovery classes comprising a path management table 80 where virtual paths comprises a fault recovery class with three levels of priority indicating which paths are to be recovered (See column 3, lines 24-28.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the prioritized fault recovery method of Kusano in the system of Clanton. One of ordinary skill in the art would have been motivated to do so in order to

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guarantee necessary bandwidth for continued operation in the event of a failure during the transmission of a message or packet.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Mills whose telephone number is 703-305-7869. The examiner can normally be reached on 8:00 AM to 4:30 PM.

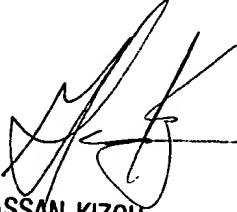
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Donald L Mills

*DLM*

April 30, 2004

  
HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600